

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled:

INTRAVASCULAR DEVICE

the specification of which is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined by Title 37, Code of Federal Regulations, § 1.56.

I hereby claim no foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code, § 120 of the following United States patent application:

U.S. Patent Serial No. 07/939,296, filed September 2, 1992.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application.

469369-0969

I hereby appoint:

L. DAN TUCKER, Registration No. 22,670;  
WILLIAM D. HARRIS, Registration No. 19,243;  
WILLIAM D. JACKSON, Registration No. 20,846;  
HARRY J. WATSON, Registration No. 29,985;  
GEORGE R. SCHULTZ, Registration No. 35,674;  
DAVID W. CARSTENS, Registration No. 34,134;  
RON D. BROWN, Registration No. 37,101; and  
LISA B. YOCISS, Registration No. 36,975

all of the firm of HUBBARD, TUCKER & HARRIS, L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

Send correspondence to: David W. Carstens  
Hubbard, Tucker & Harris, L.L.P.  
13355 Noel Road, Suite 2100  
Dallas, Texas 75240-6604

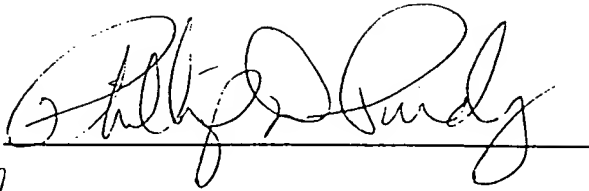
Direct telephone calls to: David W. Carstens  
at (214) 233-5712

Atty. Docket No.: PRDY B7930CIP

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of inventor:

Inventor's signature:



Date: December 7, 1993

Residence (City, County, State):

Dallas  
Dallas County  
Texas

Citizenship: U.S.A.

Post Office Address: 6644 Lakewood Boulevard  
Dallas, Texas 75214

23393.01

08938081-092697  
469260-1808680

PRDY  
B7930CIP

PATENT

DECLARATION CLAIMING SMALL ENTITY  
STATUS PURSUANT TO 37 CFR 1.9(f) and 1.27 (b)

SOLE INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that:

I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

"INTRAVASCULAR DEVICE"

described in the specification filed herewith.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract of law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

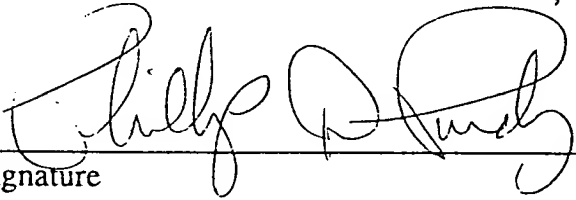
- ☒ [X] no such person, concern, or organization.  
☐ [ ] persons, concerns or organizations listed below\*

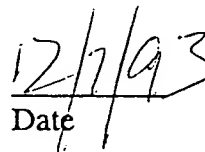
\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name and address of inventor: Phillip D. Purdy  
6644 Lakewood Boulevard  
Dallas, Texas 75214

  
Signature

  
Date

23394.01

08938081-092697  
469260 T8083680

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

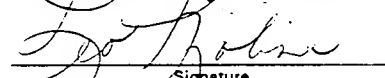
In re Application of:	§	
Phillip D. Purdy	§	
Serial No.: 08/164,398	§	Examiner: Unknown
Filed: December 9, 1993	§	Group Art Unit: 3306
For: INTRAVASCULAR DEVICE	§	Atty. Dkt: UTSD:400/BAR
	§	

**ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73  
AND POWER OF ATTORNEY**

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

"Express Mail" Mailing Label  
Number RB 710 386 358 US  
Date of Deposit March 10, 1994  
I hereby certify that this paper or fee is being  
deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service  
under 37 C.F.R. 1.10 on the date indicated above  
and is addressed to the Commissioner of Patents  
and Trademarks, Washington D.C. 20231.

  
Signature

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints Louis T. Pirkey, Reg. No. 22,393; Floyd R. Nation, Reg. No. 27,580; William D. Raman, Reg. No. 29,578; J. Paul Williamson, Reg. No. 29,600; Willem G. Schuurman, Reg. No. 29,998; David D. Bahler, Reg. No. 30,932; Daniel S. Hodgins, Reg. No. 31,026; David L. Parker, Reg. No. 32,165; Richard J. Groos, Reg. No. 32,231; William G. Barber, Reg. No. 33,154; Denise L. Mayfield, Reg. No. 33,732; Barbara S. Kitchell, Reg. No. 33,928; Gary J. Sertich, Reg. No. 34,430; Michael S. Metteauer, Reg. No. 34,875; Eric B. Meyertons, Reg. No. 34,876; Donald G. Jones, Reg. No. 35,560; Gloria Vaaler, Reg. No. 36,706; Richard D. Egan, Reg. No. 36,788; Amber L. Hatfield, Reg. No. 36,824; and Mark B. Wilson, Reg. No. 37,259; each a member, associate or employee of the firm of ARNOLD, WHITE & DURKEE, as attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent.


Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Board of Regents, The University of Texas System, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

William G. Barber, Esq.  
ARNOLD WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210  
(512) 320-7200

ASSIGNEE:

BOARD OF REGENTS, THE  
UNIVERSITY OF TEXAS SYSTEM

By:   
Name: Ray Farabee  
Title: Vice Chancellor  
and General Counsel

Date: March 9, 1994

ASSIGNMENT: Concurrently Filed

02

08938081-092697

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	\$	
Phillip D. Purdy	\$	
Serial No.: 08/164,398	\$	Examiner: Unknown
Filed: December 9, 1993	\$	Group Art Unit: 3306
For: INTRAVASCULAR DEVICE	\$	Atty. Dkt.: UTSD:400/BAR

**DECLARATION CLAIMING SMALL ENTITY STATUS**  
**37 C.F.R. §§ 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION**

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Board of Regents  
The University of Texas System

Address of Organization: 201 West 7th Street  
Austin, Texas 78701

The type of organization is a university.

I hereby declare that the organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) (1), and thus is a "small entity" as defined in § 1.9(f), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the above-referenced application.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the organization, with respect to the above-referenced invention, nor have I assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e), with the exception that the Government may have rights in the invention pursuant to a funding agreement under 35 U.S.C. § 202(c)(4): None

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false state-



